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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,298	02/24/2004	Hisao Nishioka	245758US-6541-6541-6-DIV	5085

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,298	<b>Applicant(s)</b> NISHIOKA ET AL.	
	<b>Examiner</b> KIEU-OANH T. BUI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/24/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris et al. (U.S. Patent No. 6,154,207).

Regarding claim 1, Farris discloses a broadcast signal transmitting apparatus comprising a multiplexer configured to multiplex a broadcast signal and multimedia data, and the multimedia data described by a markup language or hypertext and including broadcast program information, link location information, control signals providing display control to a receiver and control signals providing recording control to a recording medium; and a transmitter configured to transmit said broadcast signal and said multimedia data multiplexed in said multiplexer to said receiver (refer to Fig. 9 for an overview of the multimedia broadcast and delivery system, with ADSL multiplexer/demultiplexer for multiplexing/demultiplexing broadcast and control signals including multimedia data from network server to subscriber via ANSL 901 and then to DET or set top box 900, in a closer view as illustrated in Fig. 8, to the subscriber or user at TV set 900; and ADSL 905 transmits all signals including broadcast, multimedia data and control including link information or hypertext information to a receiver or DET 800 for recording and/or

Art Unit: 2623

downloading programs based on requests from the user, see col. 14/lines 37-67 (the storage can be associated with a computer connected to the set top box as described below in claim 3), under the control of network controller, see further on col. 15/line 65 to col. 16/line 43; and col. 7/line 65 to col. 8/line 27 for multimedia application including hypertext or markup language addressed.

As for claim 2, Farris further teaches wherein the multimedia data may be delayed from transmission until a time different from that of a corresponding broadcast program signal (see col. 3/lines 43-58 as the timeline of playback can be predetermined as multimedia data is previously stored and played back, not necessary at the time of broadcasting).

As for claim 3, Farris teaches wherein the recording medium is a recording apparatus operably linked to the receiver (col. 3/lines 43-58, as storage is associated with the computer, and the computer is linked to the set top box or the receiver, refer also to Fig. 12).

As for claim 4, Farris teaches this feature as the system can schedule the transmission process for the end user to download or store multimedia data and/or interactive services (col. 17/lines 34-51).

As for claims 5-7, and 8-10, these claims for corresponding method and similar features of the transmitting apparatus as discussed earlier are rejected for the reason given in the scope of claims 1-14 above.

As for claims 11-19, these claims for a receiving apparatus are rejected for the similar reasons above with the receiver or set top box 800 comprising all of the features, see further on col. 12/line 37 to col. 14/line 47 for MPEG demultiplexer for demultiplexing signals received

Art Unit: 2623

form the network server and other features in processing the broadcast, control and multimedia data from the server.

As for claims 20-22, these claims are rejected for the reasons given in the scope of claims 1-4 and 11-13 for the broadcast system containing a transmitter, a receiver, a multiplexer and demultiplexer as addressed above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyer et al. (US. Pat. No.5,982,445) disclose a hypertext markup language protocol for television display and control.

Eyer et al. (US. Pat. No.5,801,753) disclose a method and apparatus for providing an interactive guide to events available on an information network.

Gifford (US Pat. No. 5,812,776) discloses a method of providing internet pages by mapping telephone number provided by client to URL and returning the same in a redirect command by server.

Nguyen et al (US. Pat. No. 5,931,917) disclose a system, method and article of manufacture for a gateway system architecture with system administration information accessible from a browser.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2623

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
April 20, 2006